

**Department of Energy**

Official File

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

CORPORATE

February 5, 2004

In reply refer to: KDP-4

Mr. Eric Christensen  
Snohomish County PUD  
Office of the General Counsel  
2320 California Street  
Everett, Washington 98201  
(425) 783-8212

RE: FOIA Request #04-011

Dear Mr. Christensen::

This letter responds to your Freedom of Information Act (FOIA) request dated December 18, 2003 and designated as FOIA #04-011.

In your letter you requested copies of the following documents:

1. All correspondence, including emails, discussing or concerning RTO West, the formation of a regional transmission organization in the Pacific Northwest, or the formation of a regional transmission organization in the Western interconnection between officials of the United States Department of Energy and any of the following Bonneville officials: Administrator Steven Wright; Deputy Administrator Steven Hickok; Senior Vice President Mark Maher; Vice President – TBL Operations & Planning Vickie Van Zandt. This request covers the period between January 1, 2000 and November 26, 2003.
2. All correspondence, including emails, discussing or concerning the combination or consolidation of Bonneville control area operations with the control area operations of any other electric utility, between any of the Bonneville officials identified above and any representative of any of the following entities: PacifiCorp, Idaho Power Company, British Columbia Hydro Corporation, Powerex or Montana Power Company (aka, Northwestern), for the period of January 1, 2000 to November 26, 2003.

BPA is providing a discretionary release of documents responsive to your request. The Redacted portions of the enclosed documents of the enclosed documents are being withheld because they

are not specifically responsive to your request and represent internal management briefings on a number of non-responsive issues.

In addition, the following responsive documents have been withheld in their entirety:

1. "Briefing Paper for Deputy Secretary, RTO West Proposal," March 4, 2001

This document describes then-current status of RTO West negotiations, quantitative and qualitative benefits and drawbacks of BPA participation in RTO West if it were to be approved by FERC, key areas of uncertainty, BPA issues that must be addressed prior to a decision on participation and a series of next steps.

2. "Memorandum for the Secretary," May 30, 2002

This document contains a recommendation and rationale regarding whether the Secretary should sign a proposed response, attached to the recommendation, to a letter from the Northwest congressional delegation opposing any effort by DOE to force BPA to join RTO West.

3. "Memorandum for the Deputy Secretary," August 29, 2002

This document makes a recommendation for DOE Special Act Awards for work on the RTO West proposal.

The above listed documents have been withheld because they fall under the deliberative process privilege, pursuant to 5 USC § 552(b)(5) (Exemption 5) of the FOIA. These are pre-decisional deliberative documents, and they have not been disclosed outside the executive branch of the government. They contain BPA staff recommendations, comments, and opinions that are not fixed facts, but are based on staff judgment. They reflect BPA's deliberative process and do not contain material reflecting a final decision made by BPA. Disclosure of this information would expose BPA's decision-making process in a way that discourages candid discussion within the agency.

BPA has no other documents responsive to this request.

If dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal".

In your original letter you agreed to pay fees to fulfill your request. You will be sent an invoice in the amount of \$432.10 under separate cover by our accounting department. If you have any questions regarding this response, you may contact me at 503-230-5110.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annie Eissler".

Annie Eissler  
Freedom of Information Officer